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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/797,528 | 03/09/2004 | Paul Lawlor | 9637-0006DVA | 4518 |
| 27572 | 7590 | 07/07/2006 | | EXAMINER |
| HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303 | | | | FUREMAN, JARED |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2876 | |

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/797,528 | LAWLOR, PAUL |
| | Examiner | Art Unit |
| | Jared J. Fureman | 2876 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 January 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-31 and 41-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-31 and 41-50 is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 March 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 03/2004.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Receipt is acknowledged of the IDS and preliminary amendment, filed on 3/9/2004, and the preliminary amendment, filed on 1/14/2005, which have been entered in the file. It is acknowledged that this application is a DIV of application serial number 09/405,361, now U.S. Patent number 6,732,928. The parent application, including art cited, has been reviewed. Claims 1-31 and 41-50 are pending.

Specification

1. The disclosure is objected to because of the following informalities: In applicant's cross-reference to related applications (see the preliminary amendment to the specification, filed on 3/9/2004), serial number "09/750,361" should be replaced with --09/705,361--, in order to correct a typographical error.

Appropriate correction is required.

Claim Objections

2. Claims 2, 19, 26 and 49 are objected to because of the following informalities:

Claim 2, line 3: "the" should be replaced with --a--, in order to avoid a lack of proper antecedent basis for "the internet".

Claim 19, line 3: "said font" lacks proper antecedent basis.

Claim 26, line 2: "said fields" lacks proper antecedent basis. Should claim 26 depend from claim 25?

Claim 49, line 3: "said font" lacks proper antecedent basis.

Appropriate correction is required.

Allowable Subject Matter

3. Claims 1-31 and 41-50 have been allowed over the prior art of record (claims 2, 19, 26 and 49 require the correction of the minor informalities noted above).
4. The following is an examiner's statement of reasons for allowance: The prior art of record, taken alone or in combination, fails to teach or fairly suggest: (re claim 1) apparatus for applying graphical images onto packaged consumer products comprising the first computer system communicating the generic image data file to the second computer system, the second computer system receiving the generic image file and a definition of capabilities of said coder, process said generic image data file to generate instructions for said coder in dependence of the definition of capabilities of said coder, and send said instructions to said coder; (re claim 21) apparatus for applying codes onto packaged consumer products comprising a processing system having a computer system, a store of generic files and a database of coder specifications, the processing system reading a first generic file, selecting a specification of said first coder and with reference to said selected specification of the first coder, supply first instructions to said

first coder, read a second generic file, selecting a specification for the second coder and with reference to said selected specification of the second coder, supply second instructions to said second coder; (re claim 50) a method of applying graphical images onto packaged consumer products using a coder comprising storing a definition of capabilities of a coder, generating and storing a generic image data file in a generic non-coder-specific format, reading and processing said stored image data file to generate instructions for said coder in dependence of the definition of capabilities of said coder, supplying said instructions to said coder; in combination with the other claimed limitations as set forth in claims 1, 21 and 50.

Purkey et al (US 5,388,384, cited by applicant) and the background of applicant's specification (see pages 1-4 of the specification) teach apparatus for applying graphical images onto packaged products, but fail to teach (among other things) using a generic image data file and a definition of capabilities of coders to create instructions for coders.

Morikawa et al (US 7,027,169 B1) and Aoki (US 2002/0041388 A1, cited by applicant) both teach systems for distributing print jobs to various printers. Nakazato (US 6,891,631B1) teaches a system for printer driver selection. Fischer (US 6,762,852 B1) teaches a system for selecting a printer based on printer features. Yeung (US 6,426,798 B1, cited by applicant) teaches a printer data structure. Suzuki et al (EP 0 820 004 A1, cited by applicant) teaches a print driver having two kinds of formats for use with different printers. However, these references are all related to conventional desktop or networked printers, which are not configured for or capable of printing on packaged consumer products.

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Thus, without the benefit of applicant's teachings, there is no motivation for one of ordinary skill in the art at the time of the invention to combine the teachings of the prior art in a manner so as to create the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Morikawa et al (US 7,027,169 B1), Nakazato (US 6,891,631B1) and Fischer (US 6,762,852 B1) have been discussed above.

6. This application is in condition for allowance except for the following formal matters:

The objections to the specification and claims, noted above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (571)

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272-2391. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jared J. Fureman
Jared J. Fureman
Primary Examiner
Art Unit 2876

June 25, 2006